



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 3654-00

14 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 1 June 1944 for two years and served in an excellent manner until you were honorably discharged on 23 February 1946 for the purpose of reenlistment in the Regular Navy. You enlisted in the Navy on 24 February 1946 for two years. The record shows that you served without incident until 18 April 1947. On that date you were convicted by a deck court of negligence. A summary court-martial convened on 12 June 1947 and convicted you of stealing three government pistols and selling one of them. The records shows that you pled guilty to these offenses. The court sentenced you, as mitigated, to a bad conduct discharge. You were so discharged on 23 July 1947.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that you were not represented by counsel and did not receive a trial. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your conviction by court-martial of serious offenses. The record shows that you pled guilty to the offense and the court-martial proceedings were

reviewed by the Judge Advocate General of the Navy and approved by the Secretary of the Navy. Therefore, it appears that you were properly convicted by a summary court-martial in accordance with regulations then in effect. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board believes that you may be eligible for veterans benefits based on your honorable service in your first enlistment. Therefore, if you have been denied benefits, you should appeal that denial under procedures established by the Department of Veterans Affairs.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director